



SO ORDERED.

SIGNED this 20 day of January, 2012.



J. Rich Leonard
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
WILMINGTON DIVISION**

IN RE:

**ALISON R. SESSOMS,
DEBTOR.**

**CASE NO. 09-10139-8-JRL
Chapter 13**

ORDER

This matter came before the court on the Order to show cause why Ocwen Loan Servicing (“Ocwen”) should not be sanctioned for filing a baseless motion for relief from the automatic stay.

The debtor filed a petition for relief under Chapter 13 of the Bankruptcy Code on November 20, 2009. Ocwen is the holder of a note and deed of trust signed by the debtor. The debtor was to make monthly payments to Ocwen directly, rather than through her chapter 13 plan. On September 26, 2011, Ocwen filed a motion for relief from the automatic stay, stating that the debtor had defaulted on her monthly payments. On October 13, 2011, the debtor filed a response denying that she was delinquent and asserting that she had entered into a loan modification with Ocwen.

At the hearing on December 14, 2011, the debtor testified that all payments were current under the loan modification agreement. The debtor provided loan modification documents and a

bank statement to support her claim. Ocwen provided no evidence to support its claim. On January 4, 2012, Ocwen's motion for relief from the automatic stay was denied.

On January 4, 2012, this court ordered Ocwen to show cause as to why it should not be sanctioned for filing a baseless motion for relief from the automatic stay, pursuant to Federal Rule of Bankruptcy Procedure 9011(c)(1)(B). At the hearing on January 18, 2012, Ocwen asserted that its request for relief was the result of a miscommunication regarding the debtor's maintenance of an escrow account. Ocwen agreed in court to enter into an order in which Ocwen would pay the debtor's attorney's fees, compensate the debtor for lost wages, and the loan modification would be honored. The court is satisfied with this action.

Based on the foregoing, the motion to show cause is **DISMISSED**.

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